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December 12, 2003

PATENT APPLICATION TRANSMITTAL

Mail Stop PATENT APPLICATION

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Name(s) of Inventor(s): Robert R. STEUER
 David R. MILLER

Title of the Invention: METHOD AND APPARATUS FOR NONINVASIVE BLOOD
 CONSTITUENT MONITORING

This Application's **Attorney Docket Number:** P64272US3

This is a Request under 37 CFR § 1.53(b) for filing:

- ☐ an Original Patent Application (*not* a continuing application).
☒ a Continuation Application of:
☐ a Divisional Application of:
☐ a Continuation-In-Part ("CIP") application of:

prior ("*parent*") application:

App. No. 09/771,596
 Filed on: January 30, 2001
 Entitled: METHOD AND APPARATUS FOR NONINVASIVE BLOOD CONSTITUENT
 MONITORING

Prior application examiner: Matthew Kremer
 Prior application Group Art Unit: 3736

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☒

The parent application is a:

☒

continuation

☐

divisional

☐

continuation-in-part

of "**grandparent**" application:

App. No. 09/244,756

Filed on: February 5, 2000

Entitled: METHOD AND APPARATUS FOR NONINVASIVE BLOOD CONSTITUENT
MONITORING

☒

The grandparent application claims the benefit of

Provisional App. No. 60/073,784

Filed on: February 5, 1998

Entitled: METHOD AND APPARATUS FOR NONINVASIVE BLOOD CONSTITUENT
MONITORING

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Enclosed are:

42 pages of text (including specification, claims, abstract)

21 claims

15 sheets of drawings

0 computer-readable copies of nucleotide and/or amino acid sequence listings

0 paper copies of nucleotide and/or amino acid sequence listings

0 statement verifying identity of computer-readable and paper sequence listings

0 computer program in microfiche appendix

☐

For Continuations and Divisionals only: This application is filed by fewer than all inventors named in the prior application. **DELETE THE FOLLOWING INVENTOR(S)** named in the prior application:

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- ☒ *For Continuations and Divisionals Only:* Enclosed is a true copy of the prior application as originally filed, including: specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and amendments referred to in the oath or declaration filed to complete the prior application. None of the amendments referred to in the oath or declaration filed to complete the prior application introduced new matter. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference therein.

The Total Filing Fee is calculated as follows:

- ☒ Applicant claims small entity status.
- ☒ Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		NON-SMALL ENTITY		
	NUMBER OF CLAIMS PRESENTED		NUMBER OF EXTRA CLAIMS	RATE	FEE	OR	RATE	FEE
TOTAL	20	minus 20	=0	x9=	\$ 0		x18=	\$ 0
INDEP	4	minus 3	=1	x43=	\$ 43		x86=	\$ 0
BASE FILING FEE:				+385=	\$ 385		+770=	\$ 0
_ Multiple Dependent Claims				+145=	\$ 0		+290=	\$ 0
				TOTAL	\$428	OR	TOTAL	

- ☒ Credit Card Payment Form including the above TOTAL filing fee is enclosed.
- ☐ Check number xxx including the above TOTAL filing fee is enclosed.
- ☐ An original executed Declaration is enclosed.
- ☐ This application is filed under Rule 53(f). **No** Declaration and **no** filing fee are enclosed. An executed Declaration will be submitted at a later date, with a check for the above filing fee and a surcharge under 37 CFR § 1.16(e). Except for the filing fee, the Commissioner is authorized **throughout the pendency of the application** to charge any fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to our Deposit Account No. 06-1358.

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☒ *For Continuations and Divisionals only:* If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow co-pendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 06-1358.

☐ Assignment document(s) is/are submitted herewith, with check number xxx including the recordation fee of \$40.00 per Assignment.

☐ Foreign priority is claimed under 35 U.S.C. § 119 from:
___ Application No. ___ filed ___.
___ Application No. ___ filed ___.
___ Application No. ___ filed ___.

The certified priority paper(s):

- ☐ was/were filed in the parent case;
☐ is/are enclosed herewith;
☐ will be submitted at a later date.

☒ Also enclosed for appropriate processing are the following:
Information Disclosure Statement
Change of Correspondence Address

☒ The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17, or credit any overpayment, during the entire pendency of the application to Deposit Account No. 06-1358.

☒ All previous authorization to charge Deposit Account No. 18-01810 for fees under 37 CFR §§ 1.16 and 1.17 is hereby revoked.

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Page 5

- ☒ Recognize the practitioners associated with **CUSTOMER NUMBER 00,136** and HARVEY B. JACOBSON, JR. (Reg. No. 20,851); JOHN CLARKE HOLMAN (Reg. No. 22,769); ALLEN S. MELSER (Reg. No. 27,215); MICHAEL R. SLOBASKY (Reg. No. 26,421); JONATHAN L. SCHERER (Reg. No. 29,851); IRWIN M. AISENBERG (Reg. No. 19,007); WILLIAM E. PLAYER (Reg. No. 31,409); MICHAEL G. VARGA (Reg. No. 39,410); YOON S. HAM (Reg. No. 45,307); LINDA J. SHAPIRO (Reg. No. 28,264); SUZIN C. BAILEY (Reg. No. 40,495); JOSEPH G. CONTRERA (Reg. No. 44,628); MARVIN R. STERN (Reg. No. 20,640); AND NATHANIEL A. HUMPHRIES (Reg. No. 22,772) as having **POWER OF ATTORNEY** to prosecute this application, to make alterations and amendments, and to transact all related business before the U.S. Patent and Trademark Office.
- ☒ Ensure that the **CORRESPONDENCE ADDRESS** is the address associated with **CUSTOMER NUMBER 00,136**.
- ☒ Ensure that the **FEE ADDRESS** is the address of **CUSTOMER NUMBER 00,136**.

Prompt processing of the enclosed is respectfully requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: Dec. 12, 2003

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By: 

Linda J. Shapiro
Registration No. 28,264

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
	:	
Robert R. STEUER	:	
	:	
Serial No. (NEW)	:	Art Unit: (not yet assigned)
	:	
Filed: December 12, 2003	:	Examiner: (not yet assigned)
	:	
For: METHOD AND APPARATUS FOR	:	Atty Docket: P64272US3
NONINVASIVE BLOOD	:	
CONSTITUENT MONITORING	:	
	:	
	:	

CHANGE OF CORRESPONDENCE ADDRESS

Mail Stop PATENT APPLICATION

Commissioner for Patents

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Sir:

Customer Number 00,136

- ☒ Please recognize all the practitioners associated with this Customer Number as having POWER OF ATTORNEY and HARVEY B. JACOBSON, JR. (20,851); JOHN CLARKE HOLMAN (22,769); ALLEN S. MELSER (27,215); MICHAEL R. SLOBASKY (26,421); JONATHAN L. SCHERER (29,851); IRWIN M. AISENBERG (19,007); WILLIAM E. PLAYER (31,409); MICHAEL G. VARGA (39,410); YOON S. HAM (45,307); LINDA J. SHAPIRO (28,264); SUZIN C. BAILEY (40,495); JOSEPH G. CONTRERA (44,628); MARVIN R. STERN (20,640); AND NATHANIEL A. HUMPHRIES (22,772) to prosecute this application, make alterations and amendments therein, and transact all related business before the U.S. Patent and Trademark Office.
- ☒ Send all CORRESPONDENCE to the address associated with this Customer Number.
- ☒ Change the FEE ADDRESS to the address associated with this Customer Number.


Questions concerning this change of address should be directed to the undersigned.

Respectfully submitted,

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